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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/438,856	11/12/1999	LAWRENCE G. MEARES	15977-13	9942

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EXAMINER

GARCIA OTERO, EDUARDO

ART UNIT	PAPER NUMBER
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2123

DATE MAILED: 03/19/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/438,856	Applicant(s) MEARES, LAWRENCE G.	
	Examiner Eduardo Garcia-Otero	Art Unit 2123	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2002.
- 2a) ☒ This action is **FINAL**.
- 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 November 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION: Final

Introduction

1. Title is: SYSTEM AND METHOD OF PROVIDING ADDITIONAL CIRCUIT ANALYSIS USING SIMULATION TEMPLATES
2. First named inventor is: MEARES
3. Claims 1-18 have been submitted, examined, and rejected.
4. This office action is in response to Applicant's amendments and IDS of 4/21/03.
5. The amendments are accepted without objection.
6. This is the second office action on the merits, and is Final.

Index

7. **Tucker** refers to The Computer Science and Engineering Handbook, by Allen B. Tucker, Jr., CRC Press, ISBN 0-8493-2909-4, 1996, Page 862-863 sensitivity analysis, and Page 2348 simulation models.
8. **Bair** refers to US Patent 5,278,769.
9. **Beyer** refers to Handbook of Mathematical Sciences 5th Edition, by William H. Beyer, CRC Press, ISBN 0-8493-0655-8, 1978, Page 726 Mean Deviation, and Page 727 Standard Deviation, and Page 727 Root Mean Square.

Information Disclosure Statement

10. The new IDS #9 resolves most of the pending problems with the prior IDS #5.
11. **Item Y** on page 2 of the IDS #5 is incompletely listed. It appears that the third line of the document description has been cut off. The missing descriptive data is not present on the submitted publication. This publication has been considered by the Examiner, but Applicant is requested to **submit the missing descriptive data for item Y**. Applicant has submitted this document again in the new IDS #9. However, some of the descriptive data for item Y is still missing: magazine name, publisher, date, pages. Note that this information appears present in IDS #5, but is not legible because it has been cut off. This information is not present on the publication, and is not present on the new IDS #9.
12. **Item AG** is submitted in the new IDS #9 with all required data (said data was missing from IDS #5).

Art Unit: 2123

13. **Item AH** in the new IDS #9 is accompanied by the publication (which was not present in IDS #5).

14. Thus, only **item AA of IDS #5 has not been considered**, because it has not been submitted.

Drawings-draftperson objection-MAINTAINED

15. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed. Specifically, see the enclosed Form 948, Notice of Draftperson's Drawing Patent Review which objects to the drawings.

Drawings-other objections-WITHDRAWN

16. The objection to FIG 2 is withdrawn, due to Applicant's amendment to FIG 2.

17. The objection to FIG 3 is withdrawn, due to Applicant's defining "store vector measurements" in FIG 3 as shorthand for "store the scalar values of the desired vector measurements" at Specification page 8 line 10.

Abstract-objection-WITHDRAWN

18. The prior objection to the abstract's length is withdrawn, per Applicant's persuasive arguments.

Specification-OBJECTION TO "SENSITIVITY" IS MAINTAINED

19. The Specification is objected to because of the following informalities. Appropriate correction is required.

20. SCALAR VALUES-WITHDRAWN. Remarks page 7. Applicant persuasively defines the "scalar value" of a vector measurement "a one dimensional parameter, as the root mean square (RMS) of an alternating voltage". This definition is reasonable, and adopted by the Examiner. This definition of scalar corresponds with Applicant's definition of "vector". "Vector" is defined as "multiple dimensional parameter typically having a magnitude and direction associated with it, such as a voltage alternating with a particular phase angle relative to a reference phase angle".

21. The Examiner notes that in integrated circuit analysis, the term "vector measurements" often has a more complex meaning (a set of measured values or parameters in a specific order, so that information may be efficiently stored and matrix manipulations may be

Art Unit: 2123

- made). However, Applicant's definition is also reasonable and well known, and is adopted by the Examiner. The objection with respect to "scalar value" is withdrawn.
22. SENSITIVITY-MAINTAINED. Remarks pages 7-8. Applicant defines sensitivity as "the vector calculated when a parameter value is varied from nominal minus the vector measurement when the parameter value is nominal" at Specification page 8, lines 8-10. The Examiner temporarily adopts the Applicant's definition for the interpretation of the specification and the analysis of Claim 6.
23. However, Applicant further unpersuasively asserts that this definition is "not inconsistent" with the "rates of change" definition of sensitivity given by Tucker. See Tucker's definition at Page 862, "Sensitivity analysis refers to methods of calculating the rates of change of : (1) response quantities...(2) optimum design variable values". The definition of "sensitivity" is important because this term occurs in Claim 6.
24. Note that Webster defines "**rate of change**" as "a value that results from dividing the change in a function of a variable by the change in the variable <velocity is the rate of change in distance with respect to time>". Thus, Applicant's definition of "sensitivity" lacks the step of dividing. This division is important because "sensitivity" is used similarly to a local derivative.
25. Applicant states that "sensitivity analysis" is common and well understood by those in the art. The Examiner agrees, and cites Tucker as the common and well understood definition.
26. Applicant alternately asserts that an Applicant can be its own lexicographer. However, Applicant's lexicography is limited by MPEP 608.01(o): "No term may be given a meaning repugnant to the usual meaning of the term... Ex parte Kotler, 1901 C.D. 62, 95 O.G. 2684 (Comm'r Pat. 1901). See 37 CFR 1.75, MPEP § 608.01(i) and § 1302.01."
27. Thus, the objection to Applicant's definition of "sensitivity" is maintained.
28. EQUATION PAGE 12 LINE 14-WITHDRAWN. Applicant has amended the equation to reflect Page 12 line 8 "the sensitivity of each of the measurements is squared". This objection is withdrawn.
29. SCALAR MEASUREMENT-WITHDRAWN. Withdrawn due to Applicant's assertions.

30. ABSOLUTE VALUE OF THE DIFFERENCE MEASUREMENTS-WITHDRAWN.

Remarks page 8. Specification page 13 line 28 states “absolute value of the difference measurement”. Applicant persuasively defines this term as taking absolute value of “sensitivity”, where “sensitivity is the vector measurement calculated when a parameter value is varied from nominal minus the vector measurement calculated when a parameter value is nominal”. The Examiner objected to this phrase in view of the conflict with the equation at page 12. Applicant has amended the equation. This objection is withdrawn.

31. In summary, the objection to Applicant’s definition of “sensitivity” is maintained.

Incorp essential material-US patent App-Issued-WITHDRAWN

32. Applicant has amended the specification to incorporate issued US Patent 6,230,305, Page 7 line 12.

35 USC § 112- first paragraph- enablement-WITHDRAWN

33. Remarks, page 9-10. In view of Applicant’s persuasive assertions, claim 5 amendment, and correction of the equation at Specification page 12 line 14, all enablement rejections are withdrawn.

35 USC § 112-Second Paragraph-indefinite claims-WITHDRAWN

34. Remarks, page 9-10. In view of Applicant’s persuasive assertions, claim 5 amendment, and correction of the equation at Specification page 12 line 14, all indefiniteness rejections are withdrawn.

Claim Interpretation

35. The claim language is interpreted in light of the specification. Limitations from the specification must not be imported into the claims, but definitions from the specification must be imported into the claims.

36. In Claim 1, the Examiner hereby interprets “**routine**” as automating a procedure by writing the associated algorithm into the computer program. For example, “perturbing routine” is interpreted as computer program steps performing “perturbing”. “Simulation routine” and “analysis routine” are similarly interpreted.

37. In Claim 1, “**netlist**” is interpreted as a list describing electrical or logical components and their connections.

Art Unit: 2123

38. In Claim 6, the Examiner hereby interprets “**sensitivity analysis**” according Applicant’s definition: “the vector calculated when a parameter value is varied from nominal minus the vector measurement when the parameter value is nominal” at Specification page 8, lines 8-10.
39. However, note that the Applicant’s definition is repugnant in view of Tucker’s definition at Page 862, “Sensitivity analysis refers to methods of calculating the rates of change of : (1) response quantities...(2) optimum design variable values”.
40. In Claims 7, 8, and 9, the Examiner hereby interprets “**nominal selected vector measurement**” as a constant or basis for calculations. Note that claim 5 has been amended in such a way as to support this interpretation.

Claim Rejections - 35 USC § 103-MAINTAINED

41. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action: (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
42. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
- Determining the scope and contents of the prior art.
 - Ascertaining the differences between the prior art and the claims at issue.
 - Resolving the level of ordinary skill in the pertinent art.
 - Considering objective evidence present in the application indicating obviousness or nonobviousness.
43. **Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable.**
44. **Claim 1 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Bair in view of Legal Precedent (making automatic).
45. Claim 1 is an independent claim with 4 limitations, labeled A-D by the Examiner for clarity.

Art Unit: 2123

46. **A-perturbing** is disclosed by Bair at Column 3 line 10 “The circuit-level simulation is run under several different simulated conditions”.
47. **B-simulation** is disclosed by Bair at Column 3 line 10 “The circuit-level simulation is run under several different simulated conditions”.
48. **C-analysis** is disclosed by Bair at Column 3 line 10 “The circuit-level simulation is run under several different simulated conditions of power supply voltage and temperature characteristics to determine the worst and best case delay characteristics, rise and fall times”.
49. Bair apparently does not expressly disclose “routine”.
50. **D-routine** is disclosed by Legal Precedent. The Examiner hereby interprets “routine” as automating a procedure by writing the associated algorithm into the computer program. Specifically, In re Venner, 262 F.2d 91, 95, 120 USPQ 192, 194 (CCPA 1958) states “**it is well settled that it is not “invention” to broadly provide a mechanical or automatic means to replace manual activity which has accomplished the same result.**” Additionally, MPEP 2144.04(III) states “broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art.”
51. **At the time** the invention was made, it would have been obvious to a person of ordinary skill in the art to use Legal Precedent (making automatic) to modify Bair. One of ordinary skill in the art would have been motivated to do this “Because of the labor-intensive nature of logic/timing model generation” according to Bair at Column 3 line 43.
52. **APPLICANT’S REMARKS, page 11-14.** Applicant unpersuasively attempts to distinguish Claim 1 from Blair, stating (including underlines) “For example, with regard to the perturbing routine, the software program modifies a netlist to add one or more loops to vary circuit parameters in a particular way. With regard to circuit simulation, the software program modifies the netlist to add a simulation command within one or more loops so that a circuit simulation occurs when a parameter is varied. Finally, with regard to the analysis routine, the software program modifies the netlist to add one or more predetermined analyzes of the results of all the circuit simulations. Such elements of the claims are neither described nor suggested in the cited references.”

Art Unit: 2123

53. **First**, these extensive and detailed limitations are not contained in Claim 1. For example, the term “**loops**” is not contained in Claim 1. The Applicant may amend Claim 1 to introduce these extensive and detailed limitations. However, only the limitations of Claim 1 as written are considered by the Examiner.
54. **Second**, Applicant’s discussion of the 103 prior art rejections fails to address MPEP 2144.04(III) which states “broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art.”
55. The Applicant is correct that the Bair patent “does not teach a computer program (script) to modify a netlist to add a simulation routine to perform simulations for each altered circuit parameter”. However, adding a “routine” to perform the simulations is disclosed by MPEP 2144.04(III) which states “broadly providing an automatic... is not sufficient to distinguish over the prior art”. The Applicant has failed to address MPEP 2144.04(III) and therefore Applicant’s assertions are not persuasive.
56. **Please note that Claim 1 is rejected under 35 USC 103 as being unpatentable over Bair in view of Legal Precedent (making automatic), and is not rejected under 35 USC 102 as anticipated by Bair.**
57. **Third**, “netlist” is not defined in: Microsoft Computer Dictionary Fourth Edition, 1999, nor in McGraw Hill Dictionary of Scientific and Technical Terms, Sixth Edition, 2003, nor in Webster’s Third International Dictionary, 1993. However, the Examiner interprets “netlist” as a list describing electrical or logical components and their connections, and is inherently disclosed by Bair at Column 3 line 10 “The circuit-level simulation is run under several different simulated conditions”.
58. **Fourth**. Thus, merely “to broadly provide a mechanical or automatic means to replace manual activity which has accomplished the same result is not sufficient to distinguish over the prior art”. The automation in Claim 1 by using “routines” is obvious.
59. **Fifth**. There are no additional references to Applicant’s remarks. Please note that the 35 USC 103(a) rejections of Claims 2-18 below are unchanged except: Applicant has amended Claim 5, and the Examiner has deleted one paragraph from the rejection of Claim 9.

Art Unit: 2123

60. **Claim 2 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Bair in view of Legal Precedent (making automatic).
61. Claim 2 depends from Claim 1, with 1 additional limitation.
62. **“adding tolerances”** is disclosed by Bair at Column 3 line 12 “determine the worst and best case delay characteristics, rise and fall times”.
63. **At the time** the invention was made, it would have been obvious to a person of ordinary skill in the art to use Legal Precedent (making automatic) to modify Bair. One of ordinary skill in the art would have been motivated to do this “Because of the labor-intensive nature of logic/timing model generation” according to Bair at Column 3 line 43.
64. **Claim 3 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Bair in view of Legal Precedent (making automatic) and Legal Precedent (eliminating element).
65. Claim 3 depends from Claim 1, with 1 additional limitation.
66. Bair apparently does not expressly disclose the additional limitation.
67. **“removing parameter and vector save statements in said netlist”** is disclosed by Legal Precedent (eliminating element). Specifically, MPEP § 2144.04(II)(A) states “Omission of an Element and Its Function Is Obvious If the Function of the Element Is Not Desired”. The save statements are omitted because it is not desired to save the parameters and vectors during this analysis. Removing the save statements speeds the simulation and saves memory, there are no unexpected results from this omission.
68. **At the time** the invention was made, it would have been obvious to a person of ordinary skill in the art to use Legal Precedent (making automatic) and Legal Precedent (eliminating element) to modify Bair. One of ordinary skill in the art would have been motivated to do this “Because of the labor-intensive nature of logic/timing model generation” according to Bair at Column 3 line 43, and to increase speed and save memory by removing save statements.
69. **Claim 4 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Bair in view of Legal Precedent (making automatic).
70. Claim 4 depends from Claim 1, with 1 additional limitation.
71. **“reference simulation of said netlist to arrive at a nominal value for said selected vector measurement”** is disclosed by Bair at Column 3 line 3 “The logic circuit and

transistor circuits are then analyzed to determine what stimuli should be applied to the circuit level model to arrive at **simulation results which will give the best indication of the delay characteristics of the circuit**".

72. **Claim 5 (amended) is rejected** under 35 U.S.C. 103(a) as being unpatentable over Bair in view of Legal Precedent (making automatic).
73. Claim 5 depends from Claim 4, with 1 additional limitation.
74. **"manipulates said selected vector measurement in accordance with said pre-determined analysis"** is disclosed by Bair at Column 3 line 10 "The circuit-level simulation is run under several different simulated conditions of power supply voltage and temperature characteristics to determine the worst and best case delay characteristics, rise and fall times".
75. **Claim 6 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Bair in view of Legal Precedent (making automatic) and Tucker.
76. Claim 6 depends from Claim 5, with 1 additional limitation.
77. Bair apparently does not expressly disclose the additional limitation.
78. **"pre-determined analysis includes a sensitivity analysis"** is disclosed by Tucker at Page 862 "Sensitivity analysis refers to methods of calculating the rates of change of : (1) response quantities...(2) optimum design variable values".
79. **At the time** the invention was made, it would have been obvious to a person of ordinary skill in the art to use Legal Precedent (making automatic) and Tucker to modify Bair. One of ordinary skill in the art would have been motivated to make automatic "Because of the labor-intensive nature of logic/timing model generation" according to Bair at Column 3 line 43, and to analyze sensitivity in order to speed design optimization by identifying which outputs (response parameters) are the most sensitive.
80. **Claim 7 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Bair in view of Legal Precedent (making automatic) and Tucker and Beyer.
81. Claim 7 depends from Claim 6, with 1 additional limitation.
82. Bair apparently does not expressly disclose the additional limitation.
83. **"root summed square analysis"** is disclosed by Beyer at Page 727 "Standard Deviation".

Art Unit: 2123

84. **At the time** the invention was made, it would have been obvious to a person of ordinary skill in the art to use Legal Precedent (making automatic) and Tucker to modify Bair. One of ordinary skill in the art would have been motivated to make automatic “Because of the labor-intensive nature of logic/timing model generation” according to Bair at Column 3 line 43, and to analyze sensitivity in order to speed design optimization by identifying which outputs (response parameters) are the most sensitive, and to evaluate the Standard Deviation to characterize the statistical variation of the simulation results.
85. **Claim 8 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Bair in view of Legal Precedent (making automatic) and Tucker.
86. Claim 8 depends from Claim 6, with 1 additional limitation.
87. **“extreme value analysis”** is disclosed by Bair at Column 3 line 11 “different simulated conditions...best and worst case”.
88. **Claim 9 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Bair in view of Legal Precedent (making automatic) and Tucker.
89. Claim 9 depends from Claim 6, with 1 additional limitation.
90. **“worst case by sensitivity analysis involving a maximum of an absolute value of said difference between said respective selected vector measurements and said nominal selected vector measurements”** is disclosed by Bair at Column 3 line 5 “simulation results which will give best indication of the delay characteristics” and Column 3 line 12 “determine worst and best case”.
91. **Claims 10-18 are rejected** under 35 U.S.C. 103(a) as being unpatentable.
92. Claims 10-18 are “computer readable medium” claims with the same limitations as Claims 1-9 above, and thus are rejected for all the same reasons.

Conclusion

93. All claims are rejected.
94. The objection regarding Applicant’s definition of “sensitivity” is maintained.

Response to Amendments or new IDS-FINAL OFFICE ACTION

95. Applicant’s amendments or new IDS necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in

Art Unit: 2123

37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Communication

96. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eduardo Garcia-Otero whose telephone number is 703-305-0857. The examiner can normally be reached on Monday through Thursday from 9:00 AM to 7:00 PM.
97. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kevin Teska, can be reached at (703) 305-9704. The fax phone numbers for this group are:
98. (703) 746-7238 --- for communications after a Final Rejection has been made;
99. (703) 746-7239 --- for other official communications; and
100. (703) 746-7240 --- for non-official or draft communications.
101. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist, whose telephone number is (703) 305-3900.

* * * * *


KEVIN J. TESKA
SUPERVISORY
PATENT EXAMINER